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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,514	11/02/2001	Charles Elkan	117-001	4605

7590 01/03/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE f this communicati n appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment to the abstract is acknowledged. Consequently, objection to the

abstract is withdrawn.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Agrawal et al

(U.S. 6,233,575).

♦ As per claim 4, 16,

Agrawal et al [Agrawal] discloses a method of obtaining and automatically associating a value

to an item of data comprising:

-       "Obtaining at least one item of data from a source" See col. 10, lines 24 - 37

-       "Obtaining labels for at least one of said item of data" See col. 10, lines 12 - 22. As

        defined in the disclosure page 15, labels are provided by human and indicate level of

        quality, interestingness. Agrawal teaches that the documents are classified in a

        hierarchical order (see Fig. 2), which includes a plurality of levels of quality. Therefore,

        the "labels" corresponds to the "categories label" or "topics labels" of the resources.

- "Selecting items of data with certain labels to form training data" See col. 10, lines 38 - 46.

- "Creating a profile from said training data" See fig. 3, element 49. The "profile" corresponds to the "class models" and the "statistic information" (See col. 11, lines 20 - 25).

- "Associating a value to at least one of said items of data using said profile" See col. 9, lines 4 – 12.

♦ As per claim 5, 17,

- "Receiving requests from clients" See col. 9, lines 35 – 38.

- Transmitting at least one item of data according to said request and said associated values to said client" See col. 9, lines 40 – 49.

♦ As per claim 6, 18,

- "Introducing at least one new item of data to said training data and generating a new profile from said training data" See Fig. 4, element 62, 66.

♦ As per claim 7,

- "Profile is automatically generated" See Fig. 4, element 68

♦ As per claim 8,

- "Value is an estimate of said label, for items without said label" see col. 11, lines 64 - 67

♦ As per claim 9 - 11, 19 – 22, 30,

- " Profile specifies said associated value based on low-level ... length, vocabulary" See col. 12, lines 60- col. 13, lines 5.

- "Value is measured on a quantitative scale of measurement" See col. 9, lines 4 – 12.

- ◆ As per claim 12 - 13, 23 – 24, 26 – 27, 2 – 3,

  - "Storing said items of data in a database" and "Storing said associated values in a database" See col. 8, lines 30 – 36.

- ◆ As per claim 14 - 15,

  - "Obtaining labels ... is accomplished by a human providing said labels" Agrawal teaches that the documents are classified in a hierarchical order (see Fig. 2), which includes a plurality of levels of quality. Therefore, the "labels" corresponds to the "categories label" or "topics labels" of the resources.

- ◆ As per claim 25, 28 - 29,

  Claims 25, 28 - 29 are rejected based on the rejection of claims 4 - 5, and 9.

- ◆ As per claim 1,

  With all limitation as claimed in claim 4, further claim 1 comprising a "downloading component for obtaining item data" See col. 10, lines 30 – 37

Response to Arguments

4.   Applicant's arguments filed 08/30/04 have been fully considered but they are not persuasive.

Applicant argues that the Examiner has incorrectly interpreted the values, labels and profile of claim 1. The Examiner respectfully disagrees.

The "values, labels and profile" are well known term in the art. Therefore, the Examiner broadest interpretation of Applicant claims language, in which clearly including subject matter similar to application claim language.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
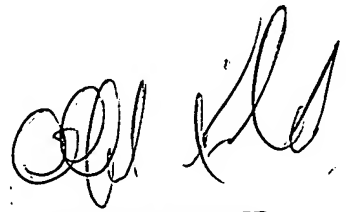
date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

ALFORD KINDRED
PRIMARY EXAMINER